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Legal Staff International Division

1 4 DEC 2005

To:

NAME:	FACSIMILE:	TELEPHONE:
Legal Department PCT	(571) 273-0459	

FROM:

Barbara M. Hayashi

DATE:

December 14, 2005

Number of pages	
with cover page:	

11

Our Reference 480052000600

Preparer of this slip has confirmed that facsimile number given is correct: 11487/BMH2

## Comments:

Application No. 10/507,347

Attached: Petition to Withdraw Hold of Abandonment - 10 pages.

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 751-273-0459, on the date shown below.

Dated: December 14, 2005 Signature:

Docket No.: 480052000600

(PATENT)

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thiemo A. BLANK

Application No.: 10/507,347

Filed: September 10, 2004 Art Unit: Not Yet Assigned

For: METAL STRUCTURE COMPATIBLE WITH

MRI IMAGING, AND METHOD OF

MANUFACTURING SUCH A

STRUCTURE

Examiner: Not Yet Assigned

# PETITION TO WITHDRAW HOLDING OF ABANDONMENT - NOTIFICATION OF MISSING REQUIREMENTS NOT RECEIVED

MS PCT Legal Office Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to withdraw the holding of abandonment on this US national phase application based on failure to receive the Notification of Missing Requirements dated March 22, 2005 (hereinafter, "Notification").

I hereby state and affirm that the Notification was not received, and further that, upon discovery of the existence of the Notification following a second status inquiry on December 12, 2005, a search of the file jacket and docket records with respect to the above-referenced application indicate that the Notification was not received.

A copy of the application's docket record, from the date the Notification would have been entered were it received to the final due date (i.e., March 22, 2005 to May 22, 2005), is attached as documentary proof of non-receipt of the Notification.

In support of the above, I state and affirm that the following is true and accurate:

oc-307781

Application No.: 10/507,347 2 Docket No.: 480052000600

(a) On August 10, 2005, my assistant Barbara Hayashi called the PCT Help Desk requesting status with respect to the filing receipt, which had not yet been received, and which was not entered into the USPTO PAIR database. Ms. Hayashi was advised that the delay in issuing a filing receipt and entering the application into the PAIR database was due to a substantial backlog. The advisor at the PCT Help Desk estimated completion of docketing the application and mailing a filing receipt to be approximately one year. At this time, the advisor at the PCT Help Desk did not alert Ms. Hayashi to the fact that the Notification had been mailed in March 2005.

(b) On December 12, 2005, Ms. Hayashi followed-up with the PCT Help Desk with respect to the status of the filing receipt in the above-referenced application. Representative Shian informed Ms. Hayashi that the Notification was mailed in March 2005. Representative Shian advised Ms. Hayashi to contact the PCT Legal Department in order to get a copy of the Notification. Ms. Hayashi dutifully requested a copy of the Notification and a copy of the facsimile sent to the Legal Department requesting the document is attached.

In view of the above, it is respectfully requested that the holding of abandonment be withdrawn and a new updated Notification of Missing Requirements be issued.

This petition is filed pursuant to 37 C.F.R. § 1.181(a) and no fee is believed to be due. However, authorization is hereby made to charge any required fees in connection with this paper to Deposit Account No. 031952.

Ву

Dated: December 14, 2005

Respectfully submitted,

Todd W. Wight

Registration No.: 45,218 MORRISON & FOERSTER LLP 19900 MacArthur Boulevard Irvine, California 92612-2445 (949) 251-7189

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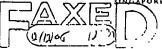
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Preparer of this slip has confirmed that facsimile number given is correct: 11487/BMH2

### Comments:

Application No. 10/507,347

With regard to this national phase application, I spoke with the PCT help desk on August 10, 2005, requesting status of the filing receipt. I was informed they were running behind and anticipated docketing the application in approximately one year.

I again called the help desk for status on December 12, 2005, as the application still was not entered on the PAIRS system. I was informed by Shian that a Notice of Missing Parts issued earlier this year. I advised Shian that we had never received the document nor had the help desk advised us of the issued document when I called in August. She then advised that we contact your office to get a copy of the notice.

Therefore, please re-issue a copy of the Notice of Missing Parts. Please also fax a copy if possible to my attention at (949) 251-0900.

Thank you for your time and attention to this matter.

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